

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-071-T - ORDER NO. 97-541
JUNE 25, 1997

IN RE: Staff Petition or a Rule to Show)	ORDER
Cause as to why Will McNamara DBA)	AFTER
Available Services should not be)	HEARING
required to Apply for a Class E)	
Certificate of Public Convenience)	
and Necessity.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) after hearing on a Rule to Show Cause as to why Will McNamara DBA Available Services (McNamara) should not be required to apply for a Class E Certificate of Public Convenience and Necessity. After service of the Rule, a hearing was held on this matter on Wednesday, June 18, 1997 at 10:30 a.m., in the offices of the Commission. The Commission Staff was represented by F. David Butler, General Counsel. Will McNamara appeared pro se. The Commission Staff presented the testimony of L. George Parker, Jr. and Maria Walker.

Parker testified that he investigated two complaints against McNamara. Parker recounted the complaints from his records, and in at least one instance, McNamara was alleged to have been furnishing drivers for rental trucks in the movement of household goods. Also, McNamara has a yellow page ad in the Greenville yellow pages, stating that he will furnish full moving services.


Maria Walker, Accountant, testified. Walker audited McNamara and saw a number of bills of lading that would indicate intrastate moves being made. However, instead of furnishing copies of the bills of lading on request of Ms. Walker, Mr. McNamara stated that the bills were lost. Thus, no copies were provided.

McNamara testified on his own behalf. McNamara stated that although he attempted to stay outside the scope of the Commission's regulatory authority by merely helping to pack, load and unload the trucks rented by customers, he did occasionally furnish a driver for movement of the household goods.


We have examined this matter, and believe that the rule in this case was properly granted. Clearly, McNamara does move household goods on the highways of South Carolina for compensation when he furnishes drivers for customers' rental trucks. In doing so, he is violating State law and Commission Regulations. We therefore hold that, in the event he continues to operate as a household goods carrier, whereby he furnishes drivers for customers' rental trucks as his mode of operation, McNamara is hereby instructed to apply for a Class E Certificate of Public Convenience and Necessity or a Certificate of Fit, Willing and Able, based on the evidence presented to this Commission.

This Order shall remain in full force and effect until
further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director
(SEAL)